

MORTENSEN'S HOPE GONE; SAYS HE WILL DIE INNOCENT

Governor Wells Visits Condemned Man and Refuses to Grant Him a Respite.

In the Shadow of the Grave, the Prisoner Declares Before God
That He Did Not Kill Hay.

THE OPERATION IS ENTIRELY SUCCESSFUL!

WOW!! RING OFF!!

CHRONIC DISSATISFACTION

IY NO UNDERSTAND LE REAL GRAFT, EN?

FRENCH CANAL CHIEF M.D.

N.Y. BANKER

REVOLUTION

HELP!

Coverly

BUT SUCCESSFUL EAR GRAFTING DEPENDS ON THE QUIETUDE OF THE PATIENTS.

<p>accompanied by One of His Wives and Six of His Children He Sailed From Boston Yesterday—Declined to Talk to a Reporter.</p>	<p>Only 21 Votes Against the Measure, About Equally Divided Between the Two Parties—Speaker Cannon Disposed to Be Fair.</p>
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WASHINGTON, Nov. 18.—The house today, by a rising vote of 335 to 21, passed the bill to make effective the Cuban reciprocity treaty. The dissenting votes were about equally divided between the Democrats and Republicans, but there was no record vote, the minority having too few votes to order the yeas and nays.

The Democrats, under the leadership of Mr. Cannon, fought to the last for secure amendments to the bill in accordance with the action of the Democratic caucus. The bill was passed finally, Mr. Williams made the final effort when he tried to have the bill recommitted to the ways and means committee with amendments, and at that point of order under the special rule, providing for a vote on the bill without amended the appeal on his ruling made.

Mr. Cannon received the applause of the Democratic side when he entered and closed the appeal on his ruling made by Mr. Williams, the speaker saying he preferred to err if he erred at all in giving the house the right to express

its will. The appeal was tabled by strict party vote.

The debate began Monday and was continued within a few minutes at 4 o'clock the time appointed to take a vote on the final passage of the bill. The Democrats, under the leadership of Mr. Williams, made an arraignment of the Republican policy of protection. Mr. Williams made a long and powerful speech on the Republican side. The announcement of the passage of the bill was met by a riotous demonstration. Mr. McKim, a major-elect of New York, occupied the speaker's chair for a few minutes today as chairman of the committee of the whole.

Havana, Nov. 18.—Great satisfaction is expressed here by the news that the United States house of representatives by a large majority had passed the bill for the reciprocity of trade. The reports of the progress of the bill had removed the apprehension that congress would not carry out what the people of Cuba understand to have been a virtual promise of the McKinley administration.

WOOD UNFIT FOR HIGH COMMAND

Senator Hanna Backs Up Charges Made by Major Rathbone—Senator Teller Protests Upon Behalf of the United States Army.

WASHINGTON, Nov. 19.—The inquiry of the senate committee on military affairs into the opposition of the confirmation of General Leonard Wood to be major general in the army, was begun today and the hearing so far as it has gone was becoming a character to show his fitness for high command.

Some Points Made.

Senator Hanna said that the action of General Wood in the Rathbone case was of a character to show his fitness for high command.

Senator Hanna's protest dealt principally with his active interest in the army.

blind closed doors. Before closing the doors there were exchanges of opinion concerning the propriety of making the proceedings public. The point was

Senator Scott said that he had been told by Senator Charles and several others that the committee had been asked to look into all of the business was executive in character the committee had no right to do that. He said he was going to issue an order from the senate.

Senator Scott made a plea for open discussion of the matter. He said that all will be in the evening papers, anyhow. He said, "and I think it better to have it out than to try to hide the proceedings."

Rathbone should give a cash bond of \$100,000 in American gold when he was first arrested. He said that he was only charged with the view of the fact that the amount was charged with misappropriating money. He said that a man who would be so unjust as to refuse under the circumstances to testify would be a disgrace to the command. He also spoke of his long acquaintance with Major Rathbone, a

Others said they had no objection to publicity, but contended that the committee could not itself assume authority to open the doors to the press.

In addition to the members of the committee and the newspaper men, Senators Hanna and Teller and Major Estes G. Rathbone were present, the three last named being prepared to present General Wood's charges for confirmation. It was stated that the charges had yet been filed against the general, but Senator Proctor, who pre-

Major Rathbone would present such charges.

the. The objections made in the committee today were sufficient to show the disposition of senators on this matter.

The session of the committee today Senator Teller said he objected to General Wood because of the injustice that was being done to the army by his promotion.

Peter Mortensen spent most of the day yesterday in working on a crayon picture, in talking with his guards and in writing a statement which will be read at the trial. He has been in the prison since he gave to The Herald the only interview he has permitted in many months. He talked of the evidence in his case, his regrets and emotions, and discussed at length the possibility of his being released.

Mrs. Mortensen's brother, William and E. J. Watkins, of Ogden, called during the day and spent some time with him. They explained that Mrs. Mortensen did not feel equal to the strain of a parting, and that she was suffering from the same illness as the little girl whom the condemned man has never seen, born after he was sentenced to death.

F. Mortensen, his father, spent some time with him in the afternoon and was present when the news came that the supreme court had ruled against him. Bernard J. Stewart, his attorney, came out a little later and talked with him. He is now in the custody of the guards.

The greater part of the evening was spent in the futile plea with the Governor.

His most apparent resource exhausted, Mortensen will today be taken from his cell by Sheriff Emery, between the hours of 10 a. m. and 2 p. m., and will be conducted to the southeast corner of the penitentiary yard. There he will be taken to the gallows, which are located just across the door of the blacksmith shop. Behind this canvas will be stationed five men with rifles, the muzzles protruding through loop-holes, and aiming at the target above the gallows. When the signal these rifles will speak, and Mortensen will atone with his own blood for the murder of James R. Hay.

FOR two hours last night Peter Mortensen pleaded with Governor Heber M. Wells in the private office of Warden Dow at the penitentiary.

He sat in his cell in the penitentiary yesterday afternoon and with his right hand raised solemnly, his eyes ablaze with earnestness and yet steady, his voice ringing with intensity, he said:

Just as sure as the sun shines above, as sure as there is a God in heaven, if they take my life tomorrow, their hands will be stained with the blood of an innocent man."

Mortensen's plea was an utter failure, for not only did he fail to suggest any new evidence that would help his case, but he also failed to see a newspaper man, but late yesterday afternoon he set aside this resolution and talked with a representative of The Herald. Casting off his reserve, he showed a glimpse of the

But he made admissions that convinced his hearers more firmly than ever of his guilt. He admitted last night when questioned by Governor Wells that his wife told the truth when she declared she had seen him burn some articles of

nothing that were stained with blood when he returned to the house the night that Hay was killed. His explanation was that the blood on the clothing was from a scratch on his thumb caused by a nail.

Tried to Prove an Alibi.
He attempted to prove an alibi and declared that during the time he was absent from his home on the night of the tragedy he went to the house of his wife and little ones, including the babe he has never seen.

Why He Was Convicted.
To James Sharp's claim of having had a divine revelation, and to his own

Joe Hemsley in Post Dale, but said that no one was at home at the time. When confronted with the statement he made during his trial that he was not out of his house on the fatal evening, Mortensen became confused and

made no explanation. He made no attempt to explain how he came into possession of the \$3,800 he claimed to have paid Hay, but said his attorneys had prepared an account which was intended to throw some light on the subject.

Mortensen declared that the reason his wife did not come to his rescue during the trial was because of the influence of her relatives, who persuaded her not to appear.

brought out no new facts whatever. He pleaded earnestly to be given a reprieve, and at times fairly begged the governor to save him. He was quite calm, although earnest, throughout his testimony.

genuine plea except near the close, when the governor intimated that he had said nothing that could warrant a reprieve. Then, when he realized that his last hope was gone, he fervently beseeched the executive to use clemency and save

him from being exalted today.

Smiled When Governor Refused.

At no time, however, during his appeal did he weep or show any sign of breaking down, and when the confer-

his wife and children more than I do but rather than that, I will trust to God to take care of them and will go to my death tomorrow an innocent man."

Agreed to an Interview.

Governor Wells met Mortensen last night in response to a petition from the latter that was presented to the execu-

the yard of the penitentiary. The solid steel door that guards the south cell house was swung back and the ante-room was entered. Levers, bars and bolts were thrown, the steel-barred door leading into the corridor was

Yaylor, who is one of the death watch. The party drove out to the penitentiary about 8:45 p. m., and remained closeted with Mortensen until about 10:15 p. m. Attorney Barrard J. Stewart and Henry and David Mortensen came out

about 10 o'clock, and Stewart spoke briefly with Governor Wells immediately after the conference had ended. Stewart and the two brothers visited with Mortensen for about twenty minutes after he had been taken back to the watch.

Supreme Court Refuses.

For the general reason that there were no good grounds for doing so, from a legal point of view, the state

Supreme court yesterday afternoon denied the petition of Peter Mortensen's attorneys for a rehearing of his second appeal for a new trial. The matter was under consideration by the court for about twenty-four hours.

The opinion was written by Associate Justice McCarty, and was concurred in by Chief Justice Baskin and Associate Justice Bartch.

The opinion of Associate Justice McCarty refusing to reopen the case is

couched in very plain language. It is simple in the extreme, and disposes of the petition in a most clear and comprehensive manner. Fully one-half of the opinion is devoted to setting forth the steps taken by counsel for defend-

ant in the different appeals. After bringing the case up to the time disposition was made of the last appeal, the opinion says:

"By an examination of the record and the several opinions handed down in

the picture of a young girl, which will never be completed if the sentence of the court is carried out today as expected."

Above, on each side, were two enlargements of actress' portraits, done

In this case, it will be seen that the identical questions raised by this last appeal and the petition now before us for a rehearing, to-wit, the alleged misconduct of the jury, and the refusal of the trial court to permit Royal B. Mortensen, and the photograph from which was taken the enlarged picture printed in The Herald of yesterday.

Young to testify in support of the motion for a new trial, having been twice considered and passed upon by this court, cannot now be reopened for further consideration. That appeals can-

(Continued on Page Two.) children, drawn by the father as b